

BROOKINGS COUNTY DEVELOPMENT DIRECTOR  
BROOKINGS CITY & COUNTY GOVERNMENT CENTER  
520 3rd Street, Suite 200  
BROOKINGS, SOUTH DAKOTA 57006  
(605)-696-8350  
ROBERT W. HILL  
TELEPHONE (605) 696-8350  
FAX (605) 696-8355  
E-MAIL: [zoning@brookingscountysd.gov](mailto:zoning@brookingscountysd.gov)

### **November 6th, 2018 Minutes**

Brookings County Planning & Zoning Commission  
November 6th, 2018 – 7:00 PM  
Brookings City & County Government Center  
310 Chambers

Chair Rochel called the meeting to order at 7:04 PM. Commission members present were: Lee Ann Pierce, Robert Rochel, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Michael McHugh, Chad Ford and alternate board member Roger Erickson. Absent were: Kimberly Elenkiwich, Randy Jensen and alternate board member Tom Davis.

Chair Rochel read **agenda item # 2: Approval of minutes from October 2nd, 2018 meeting.** Chad Ford moved to approve the minutes. Terrell Spence second. Chair Rochel called for a voice vote. 8-ayes and 0-nays, motion carried.

Chair Rochel read **agenda item # 3: Items to be added to agenda by commission members or staff.** No items were added.

Chair Rochel read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Rochel read **agenda item # 5: Approval of Agenda.** Darrel Kleinjan moved to approve the agenda. Michael McHugh second. Chair Rochel called for a voice vote. 8-ayes and 0-nays, motion carried.

Chair Rochel stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 6: Consideration of Plats: a. 2018plat021: "Plat of Lot 12A, Block 1, Sunset Point Addition in Govt Lots 3 & 4 of Section 22, T112N, R47W of the 5th P.M., Brookings County, South Dakota."** Darrell Nelson moved to approve the plat. Michael McHugh second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Lake Dreams LLC is platting Lot 12A in Block 1 of Sunset Point Addition. The Sunset Point Addition is located at Lake Hendricks, it was originally platted and approved by the Zoning Commission on November 1<sup>st</sup>, 2005, into lake lots meeting the 20,000 sq. ft. requirement. On October 2<sup>nd</sup>, 2012 all the lots that were platted in 2005 that were

not sold were re-platted into larger lots. They are re-platting the lots to their original size as they are sold. Lot 12A is being platted into an individual lake lot at this time. The plat meets the platting requirements for the 2016 Comprehensive Plan Unincorporated Rural Area Land Use statement on page 24 for Agricultural Land Use.” Mr. Haugen used visuals to describe the plat. Chair Rochel opened up for questions from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Rochel asked the board for questions or comments, hearing none he called for a roll-call vote: Pierce-aye, McHugh-aye, Erickson-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item b. 2018plat022: “Plat of Lot 1 of Lot 47 Al Mar Lake Hendricks Addition to the County of Brookings in Government Lot 5 of Section 21, T112N, R47W of the 5th P.M., Brookings County, South Dakota.”** Michael McHugh moved to approve the plat. Darrell Nelson second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “This is a plat of Lot 47 Al Mar Lake Hendricks Addition. Al Mar Addition Lots 1-47 were originally platted on October 3, 1978. Al Mar Addition is located on Lake Hendricks in northeast Brookings County. Lot 47 was re-platted on November 4, 2003 into Lots A, B, C, D and E. The current owners are re-platting Lots C & D into one large lot (Lot 1) containing 84,386 square feet, exceeding the 20,000 square foot Lake Park lot size requirement. The plat meets the platting requirements for the 2016 Comprehensive Plan Unincorporated Rural Area Land Use statement on page 24 for Agricultural Land Use.” Chair Rochel opened up for questions from the board, hearing none. He opened up to the audience opponents and proponents, hearing none. Chair Rochel asked the board for questions or comments, hearing none he called for a roll-call vote: McHugh-aye, Erickson-aye, Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Pierce-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item c. 2018plat023: “Plat of Blocks 1 & 2 of Lot H-1 in the NE1/4 Sec 1, T112N, R51W of the 5th P.M., Brookings County, South Dakota.”** Chad Ford moved to approve the plat. Lee Ann Pierce second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “This is a plat of “H” Lots on 466<sup>th</sup> Ave (H lots are used for describing areas of land used for roads or highways). The location of the plat is on 466<sup>th</sup> Ave (Brookings County blacktop road #7) at the Brookings County/Hamlin County line. The plat is being done to update the legal description and ownership that has occurred over the last 50 years. The plat meets the platting requirements for the 2016 Comprehensive Plan Unincorporated Rural Area Land Use statement on page 24 for Agricultural Land Use.” Mr. Haugen used visuals to describe the plat. Chair Rochel opened up for questions from the board, hearing none. He opened up to the audience opponents and proponents, hearing none. Chair Rochel asked the board for questions or comments. Board member Nelson verified that no home was on the site, Mr. Haugen and board member Ford noted that it was a grain bin and bunker silo site. Hearing no additional comments Chair Rochel called for a roll-call vote: Erickson-aye,

Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Pierce-aye, McHugh-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item d. 2009 preliminary-plat 008 Update: "Government Lot 3, EXCEPT the E260' of the W1503' thereof and EXCEPT the Public Access Roadway thereof and EXCEPT Lots 1, 2, and 3 of Bird Addition thereof all in the NW1/4 of Section 28, T109N, R50W."** Lee Ann Pierce moved to approve the plat. Terrell Spence second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Keith and Cathy Rounds have purchased the property and would like to give an update. The preliminary plat 2009preliminary plat008 was approved by this board on June 2<sup>nd</sup>, 2009. He noted: 1) Cul-de-sac radius would need to be widened to 64 feet vs. 50 feet with the total distance across being 128 feet to allow for adequate area for fire trucks. 2) Lot 2 would need to have the west boundary changed so that the lot would meet the 20,000 sq. feet requirement to be a buildable lot." Mr. Haugen used visuals to describe the plat. Mr. Haugen asked Mr. Rounds to come forward and summarize his plans for the area. Mr. Rounds noted he had purchased the area and wanted to move forward with development of the area. Board member Pierce inquired on: 1) the size of Lot 6, asking if it would meet the 20,000 sq. feet requirement. 2) Development plans for area on the preliminary plat that was not split into lots. Mr. Rounds noted that the preliminary plat was just to the edge of the trees, not the edge of the shoreline and that an application for the Game, Fish and Parks Bottomland requirements was in the works. Mr. Haugen noted the final plat would have distances to the edge of the water and that anything in large area of the preliminary plat not split into lots would be a new plat in the future. The board also discussed the road agreement in that area. Chair Rochel opened up to the audience opponents and proponents, hearing none. Chair Rochel noted that this was just an update by the applicant and no vote or action would occur, he then asked the board for additional questions or comments, hearing none.

Chair Rochel stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and **agenda item # 7: 2018cu019: Postponed from August 7<sup>th</sup>, 2018 meeting: Stefini Thomsen has made an application, 2018cu019, to the Brookings County Board of Adjustment for a conditional use. Article IV District Requirements: Chapter 4.03 "LP" Lake Park District: Section 4.03.02 Conditional Uses Permit # 6: Accessory buildings with a side-wall greater than fourteen (14) feet or more than 2,000 square feet and used accessory buildings greater than 120 square feet. The property is described as: "Lot 11 Haffner Knoll Addition in SW1/4 Section 22, T112N, R47W (Lake Hendricks Township)".** Michael McHugh moved to approve the postponed conditional use request. Roger Erickson second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "The applicant applied for a conditional use on August 7<sup>th</sup>, 2018 to build an accessory building. While visiting with the applicant during the meeting it was decided by the Board of Adjustment to postpone the action until the November 6, 2018 meeting to give the applicant an opportunity to review the plans and look at other accessory building options. On October 4, 2018 a representative for Ms.

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Thomsen contacted the Zoning Office with an update to the building plans. He noted: 1) Building plans are now for a 40 feet wide x 64 feet long accessory building with 14 feet sidewalls (2,560 sq. ft.) 2) Public notices were republished in the Brookings Register on October 23 and 30, 2018, White Tri-City Star on October 25 and November 1, 2018 and the Hendricks Pioneer on October 24 and 31, 2018. 3) Letters were resent to adjoining landowners, Lake Hendricks Township Chairman and Clerk and the Brookings County Highway Department notifying them of the updated public hearing.” Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked the applicant to come forward and address the board. Matt Thomsen came forward, identified himself as Stefini’s husband and stated, “It’s an accessory building that is going to be used for cold storage, and it’s going to be uninsulated and is scaled down from what we originally had planned it will be 40 feet x 64 feet with 14 feet sidewalls.” Chair Rochel opened up for questions from the board. Board members Ford, Kleinjan and Pierce discussed with Mr. Thomsen: 1) original size of the building 2) if plumbing such as a bathroom would be added later. 3) Any plans for living quarters in the building? Mr. Thomsen noted: 1) the original size they had applied for was 40 feet x 80 feet with 16 feet sidewalls. 2) Water and electricity would be put in but no current plans for a restroom. 3) No plans for living quarters as the building would not be insulated. Chair Rochel asked for further comments from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Rochel asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Rochel called for a roll-call vote: Nelson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Pierce-aye, McHugh-aye, Erickson-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 8: 2018cu027: JC’s Twisted, LLC by Crystal Himley has made an application, 2018cu027, to the Brookings County Board of Adjustment for a conditional use. Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District “A”. Section 408: Special Exception # 10: Stables: and Brookings County Zoning Ordinance: Article 11: Section 11.01: “A” Agricultural District: Conditional Use Permit # 12: Stables. The property is described as: “Lot M-2 of Warrior Commercial Park Add. & Lot M-2 in Warrior Commercial Park 2nd Addn incl vacated portion of Street in SW1/4 of Section 18, T110N, R49W. (Aurora Township)”~~ located at 1900 25th Ave, Brookings, SD 57006.** Darrell Nelson moved to approve the conditional use request. Chad Ford second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “JC Twisted LLC, by Crystal Himley has applied for a conditional use/special exception for a horse stable located in the Brookings County/Brookings City Joint Jurisdictional area.” He further noted: 1) Property was located near the I-29 exit on the Hwy 14 By-Pass. 2) The facility had been an approved horse stable since 1997. 3) History of facility noting dates of permits granted: Feb 4, 1997, April 1, 2003 and January 5, 2016. 4) This was a reapplication by Ms. Himley to continue operation with a business plan included. 5) No complaints from adjoining landowners in the

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area under the January 5<sup>th</sup>, 2016 application. 6) Application would be either temporary or permanent depending on outcome of the vote for another site Ms. Himley was applying for (application 2018cu028). 7) City of Brookings Planning Department reviewed request and had no objections. 8) Public Notices were published in the Brookings Register on October 23 and 30, 2018. 9) Letters were sent to adjoining landowner, Aurora Township Chairman and Clerk and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site and read comments from adjoining landowners (M. Bartley & Harms Family Corporation) noting no objections to the request. Chair Rochel asked Ms. Himley to come forward and address the board. The applicant identified herself as Crystal Himley and stated, "We are looking to keep everything the same as our current permit. We are not looking to change anything." Chair Rochel opened up for questions from the board. Board member Pierce discussed future plans for the property should a change in location of the applicants business occur, and timeline the application would be valid. Mr. Haugen noted the permit would only be valid under the applicant/lessee's name for 3 years, any change in lessee would mean a new stable application would need to be applied for. Chair Rochel asked for further comments from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Rochel asked for additional comments from the board. Board members discussed the location of property being within city limits/joint jurisdiction and the city's future growth possibility. Decision was to put a 3 year time limit on the permit if approved and after 3 years a new application would need to be applied for. Chair Rochel asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Rochel called for a roll-call vote: Kleinjan-aye, Ford-aye, Spence-aye, Pierce-aye, McHugh-aye, Erickson-aye, Nelson-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 9: 2018cu028: JC's Twisted, LLC by Crystal Himley has made an application, 2018cu028, to the Brookings County Board of Adjustment for a conditional use. Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # 10: Stables: and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 12: Stables. The property is described as: "S 1/2 SE 1/4 Exc. Pt. W of H-1, H-1, E 20 A. & NW 10 A. Thereof in Section 11, T109N, R50W. (Medary Township)".** Michael McHugh moved to approve the conditional use request. Roger Erickson second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "JC Twisted LLC, By Crystal Himley has applied for a conditional use/special exception for a stable located in the Brookings County/Brookings City Joint Jurisdictional area. The property is located on Main Ave South (Brookings County black top road #77) on the east side of the "S" curve south of Brookings." He noted: 1) the property was zoned "Agricultural" and contained 41.65 acres. 2) Existing driveway access was located on both the west and south sides of the property. 3) The current use of the property was grassland and pasture. 4) Parcel was not located in the floodplain but during heavy rain

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events standing water could occur on south side of the property. 5) Site met the 35 acre size requirement for building a new residence and accessory buildings could also be built per the current Joint Jurisdiction Ordinance. 6) The proposed use, structures and buildings would need to be designed to not restrict any natural drainage of the area. 7) The application 2018cu027 would become invalid once the application 2018cu028 (stable) if approved, was established and ready for operation. 8) The City of Brookings Planning Department had reviewed the request and had no objections. 9) Public notices were published in the Brookings Register on October 23 and 30, 2018. 10) Letters were sent to the adjoining landowners, Medary Township Chairman and Clerk and the Brookings County Highway Department. Mr. Haugen then presented a visual presentation of the site and read a comment received from R. Schut in support of the application. Chair Rochel asked Ms. Himley to identify herself and address the board. The applicant identified herself as Crystal Himley and stated, "I am here to answer any questions, and we are still in the early stages of planning and developing." Chair Rochel opened up for questions from the board. Board members Nelson, Rochel and Pierce noted: 1) concerns with drainage and water in the area 2) caution to make sure structures are built to account for possible high water table and to not hinder drainage in the area. 3) Area is the entry way to the city of Brookings and to keep landscaping and aesthetics in mind. Chair Rochel asked for further comments from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents. No opponents came forward. Proponent Harold Saathoff came forward, identified himself as the current landowner of the property and stated, "I have owned the land for almost 50 years, and I raised horse on the land except for the last 3 years and would like to see horses again on the land. I have no objections to this request." Chair Rochel asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Rochel called for a roll-call vote: Ford-aye, Spence-aye, Pierce-aye, McHugh-aye, Erickson-aye, Nelson-aye, Kleinjan-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 10: Approval of Findings of Facts for denied variance-2018var019 by Molly Knutzen.** Mr. Haugen read the findings of facts and they were placed on file.

Chair Rochel read **agenda item # 11: Department Reports.** Mr. Haugen noted a packet had been given to each board member at the start of the meeting. He went over items included: 1) Invite/notification of an informational meeting from Dakota Rural Action to be held in Mitchell, SD on Friday, November 30, 2018. 2) Proposed By-Law updates for board members to review 3) Drafts of Findings of Facts. Board discussed and decided to not have the draft Findings of Facts included in their monthly meeting packets that were mailed prior to the meetings. He also noted that board members Darrel Kleinjan and Terrell Spence had been reinstated by the Brookings County Commissioners for another 4 year term. Chair Rochel asked for volunteers for the nominating committee for the January meeting with Darrell Nelson and Randy Jensen being named to the committee. Mr. Haugen further noted that the January meeting would fall on Tuesday, January 1<sup>st</sup> and it

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would be changed due to it being a Holiday. The meeting date would either be moved to Tuesday, January 8<sup>th</sup> or another date, depending on what the County Commission decided on for their meeting date. Mr. Haugen noted that Mr. Hill was currently on vacation. Board member Kleinjan inquired on status regarding the condition of the Doc Knaus's property. Board members also expressed concern regarding the drainage in the south main area.

Chair Rochel asked for a motion to adjourn. Roger Erickson made a motion to adjourn the meeting, Michel McHugh second.

Chair Rochel adjourned the meeting at 9:00 PM.

Rae Lynn Maher  
Brookings County  
Development Department.